

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AFRODITE SEA TRADE S.A.

Plaintiff

- against -

SHINE STAR SEA-TRANSPORT PTE LTD
NINGBO MINMETALS & MACHINERY
IMP. & EXP. CORP., SHENYANG SANYO
BUILDING MACHINERY CO. LTD., BENXI
NORTHERN STEEL PIPES CO. LTD. and
RILICO SINGAPORE PTE. LTD.

Defendants

THIS IS THE EXHIBIT MARKED
"RAH 5"



NingBo Minmetals & Machinery Imp.
& Exp. Corp.,
China.
BY FAX NO: 0086-574-8736-7807

Our Ref.: ALT/23.3.07 &
Bs/L LJ & XJ/RAH

Date: 23 July, 2007

Shenyang Sanyo Building Machinery
Co. Ltd.,
China.
BY FAX NO: 0086-248-8093057
BY EMAIL: webmaster@syji-cn.com

Benxi Northern Steel Pipes Co. Ltd.,
China.
BY FAX NO: 0086-414-726-8888

Rilico Singapore Pte Ltd.,
Singapore.
BY FAX NO: 0065-6735-3810

Dear Sirs,

"ALTAIR" – C/P 23.3.07
Bs/L: LLANYUNGANG, CHINA: LJ01-05, LJ08, LJ10, LJ13, LJ15-LJ31;
AND
BS/L: XINGANG, CHINA: XJ01A-C, XJ02, XJ07-8, XJ10-XJ17, XJ18A-C,
XJ19A-B, XJ20-XJ28

Our clients are Afrodite Seatrade S.A. of Liberia, the Owners of m.v. "ALTAIR". The charterers under the above captioned Charterparty are Shine Star Sea-Transport Pte. Ltd. of Singapore.

Under the terms of the captioned charterparty hire is due and unpaid to Owners in the sum of USD 585,953.91 as currently estimated. Under the terms of the relevant Bs/L you are liable for such unpaid hire. On the

instructions of the said Owners of m.v. "Altair", we have commenced arbitration proceedings in London in respect of their claim against you.

We are therefore writing to you to notify you of the acceptance by Mr. Bruce Harris of appointment as arbitrator on Owners' behalf under the captioned Bs/L, which incorporate the Charterparty dated 22 March, 2007

We should confirm to you that:

1. Mr. Harris has accepted appointment in respect of all disputes arising out of the captioned Bills of Lading and he has done so on the basis of the LMAA Terms (2006).
2. For your reference, Mr. Harris' details are as follows:

Flat 101,
7, High Holborn
London WC1V 6DR
Fax no: 0044-207-4040-9824
Email: bruceharris@spitfire.uk.net

3. The claim brought by the Owners, against you as Shippers of cargo loaded at Lianyungang and Xingang (or Tianjin) (the second and third loadports) under the Bills of Lading listed above, is for unpaid hire in the sum of USD 585,953.91 (as currently estimated by Owners). The Bills of Lading have been endorsed as follows:

"HIRE PAYABLE AS PER C/P DD 23.03.07 BETWEEN OWNERS
AFRODITE SEATRADE AND CHARTERER SHINE STAR SEA-
TRANSPORT PTE LIMITED".

4. The said Bs/L are on the Congenbill 1994 form, with standard unaltered terms on the back, the effect of which is inter alia to incorporate the London arbitration clause of the charterparty into the Bs/L.
5. We hereby call upon you to appoint your arbitrator within 14 days in accordance with the Arbitration Act 1996 ("the Act"), failing which the Owners will instruct us to proceed in accordance with the default provisions of the Act.

Yours truly,

Hewett & Co.



Rilico Singapore Pte Ltd.,
Singapore.

Our Ref.: ALT/23.3.07 &
Bs/L LJ & XJ/RAH

BY FAX NO: 0065-6735-3810

Date: 26 September, 2007

Benxi Northern Steel Pipes Co.
Ltd.,
China.

BY FAX NO: 0086-414-726-8888

c.c. Bruce Harris Esq.,
London.

BY EMAIL (*without attachment*)

Dear Sirs

"ALTAIR" - C/P 23.3.07

**Bs/L: LLANYUNGANG, CHINA: LJ01-05, LJ08, LJ10, LJ13, LJ15-
LJ31; AND**

**BS/L: XINGANG, CHINA: XJ01A-C, XJ02, XJ07-8, XJ10-XJ17,
XJ18A-C, XJ19A-B, XJ20-XJ28**

Further to our latest correspondence, and, in particular, our email of 24 September, 2007, we notify you of Mr. Harris' acceptance of appointment as sole arbitrator in respect of the above reference (excluding Bs/L XJ10 and XJ28, in respect of which the ⁽⁵⁾Shippers concerned have appointed Mr. Alan Oakley as their arbitrator).

For your records, we attach a copy of Mr. Harris' email confirming acceptance as sole arbitrator. We shall, in short course, be serving our clients' claim submissions accordingly. We would, however, be grateful if you could, in the meantime, confirm whether you have an e-mail address on which we can contact you, instead of by fax.

We look forward to hearing from you.

Yours truly,

Hewett & Co.

Hewett & Co. Inc

From: "Hewett & Co. Inc" <hewett@otenet.gr>
To: "Bruce Harris" <bruceharris@spitfireuk.net>
Sent: Πέμπτη, 27 Σεπτεμβρίου 2007 1:05 μμ
Attach: Email Benxi_Rilico_Harris 27 09 07.pdf
Subject: ALTAIR - CP 23 03 07

PLS SEE ATTACHED

HEWETT & CO.

***** COMM. JOURNAL ***** DATE 27-SEP-2007 TIME 13:12

MODE = MEMORY TRANSMISSION

START=27-SEP 13:07

END=27-SEP 13:12

FILE NO.=756

STN NO.	COMM.	ONE-TOUCH/ABER NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	CI	a	006567353810	002 002	00:00:10
002	CF	a	00864147268888	002 002	00:00:10

-HEWETT & CO

***** REQUEST FOR SERVICE ***** -HEWETT

***** 0032104138904 *****

**HEWETT & CO**

INCORPORATED IN THE U.S.A.

Rilco Singapore Pte Ltd.,
Singapore.

Our Ref.: ALT/23.3.07 &
Bs/L LJ & XJ/RAH

BY FAX NO: 0065-6735-3810

Date: 26 September, 2007

Benxi Northern Steel Pipes Co.
Ltd.,
China.

BY FAX NO. 0086-414-726-8888

c.c. Bruce Harris Esq.,
London.

BY EMAIL (without attachment)

Dear Sirs

"ALTAIR" - C/P 23.3.07

**Bs/L: LLANYUNGANG, CHINA: LJ01-05, LJ08, LJ10, LJ13, LJ15-
LJ31; AND**

**BS/L: XINGANG, CHINA: XJ01A-C, XJ02, XJ07-8, XJ10-XJ17,
XJ18A-C, XJ19A-B, XJ20-XJ28**

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We look forward to hearing from you.

Yours truly,

Hewett & Co.

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Hewett & Co. Inc

From: "Bruce Harris" <bruceharris@spitfireuk.net>
To: "Hewett & Co" <hewett@otenet.gr>
Sent: Τετάρτη, 26 Σεπτεμβρίου 2007 2:49 μμ
Subject: Altair CP 23.3.07 and Bs/L thereunder

Thanks for your message of yesterday and I confirm acceptance of appointment as sole arbitrator in these references. Please send a copy of this message to the respondents, and let me have a copy of your covering message.

Kind regards
Bruce Harris

Fax Message from

Bruce Harris

Flat 101, 7 High Holborn, London WC1V 6DR

Tel. 020-7404 9823 Fax. 020-7404 9824

E-mail: bruceharris@spittireuk.net

PAGE 1 OF 1

28 September 2007

TO: RILICO SINGAPORE PTE LTD
SINGAPORE

(00 65 6735 3810)

BENXI NORTHERN STEEL PIPES CO. LTD
CHINA

(00 86 414 726 8888)

CC: HEWETT & CO INC.

REF: ALT/23.3.07 & Bs/L LJ & XJ/RAH

(00 30 210 413 3548)

Dear Sirs

"ALTAIR" C/P dd 23.3.07

**Bs/L: LJ01-05, LJ08, LJ10, LJ13, LJ15-31 and
XJ01A-C, XJ02, XJ07-8, XJ11-17, XJ18A-C, XJ19A-B, XJ20-27**

I refer to Hewett & Co.'s fax to you of 27th September and confirm that, since you have not made any timely appointments of an arbitrator or arbitrators, I have now accepted appointment as sole arbitrator, as I am entitled to do under the Arbitration Act 1996.

Although it is now too late for you to appoint arbitrators you may rest assured that I shall deal with this matter entirely impartially in every respect.

You may know that other shippers of cargo have instructed lawyers, Reed Smith Richards Butler, to represent them. I mention that in case you should wish to contact those lawyers. If so, I will be happy to give you their contact details.

Although you have not so far participated in this process, I hope that you will in fact take part in the arbitration as it progresses, either direct or through lawyers or other representatives.

Yours faithfully



Bruce Harris